

The Legal Exceptions from the Cartel Prohibition with Regard to Crisis Cartels

English summary

The purpose of the thesis is to provide a comprehensive perspective on the issue of the legal exceptions from the cartel prohibition, carry out a detailed analysis of Czech and European material regulation contained in the Article 3 paragraph 4 of the Act No. 143/2001 Coll. on Protection of Competition, as amended and in the Article 101 paragraph 3 of the Treaty on the Functioning of the European Union, focus on the application of the legal exceptions to the crisis cartels from the practical point of view, particularly on their usage by undertakings and on the approach to the crisis cartels by national competition authorities, European Commission and competition authorities from other selected countries outside Europe.

The thesis is composed of four parts. The first part deals with the basic characteristics of the cartel, describes the concept of cartel, European and Czech legislation regarding cartels and competition in general and divides the cartels according to their form and relationship of participants. The second part focuses on the prohibition of anticompetitive conduct in the form of cartels, examines the merits of the cartel and highlights the consequences of breaching the prohibition. It is necessary to define the term cartel and its prohibition for better understanding following parts of the thesis. The third part forms the basis of the theoretical part and it concentrates on the exceptions from the cartel prohibition, their legal regulation and detailed description of the conditions that must be met in order to apply the exception. The fourth part addresses the application of legal exceptions in times of crisis from the practical point of view, it explains the term crisis cartel, discusses the approach to crisis cartels in Europe and other countries outside Europe and it answers the question whether the crisis cartel is the only one or the best solution.

Key words:

competition law

exceptions from the cartel prohibition

crisis cartel